IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No.7820 of 2006

Mihir Kumar .. .. Petitioner

v/s.

State of Maharashtra & ors. .. Respondents

Mr.J.P. Shah i/by M/s.JPS Legal for petitioner.
Mrs.M.P. Thakur, AGP for res.no.1.
Mr.Phiroz colabawalla i/by M/s.FZB & Asso. for res.no.2.

CORAM : SMT.RANJANA DESAI &

SMT.ROSHAN DALVI, JJ.

Dated : 22nd November 2007

P.C. :

1. Learned counsel for the petitioner, on instructions from the petitioner, states that he has instructions to withdraw the writ petition because the petitioner wants to file application under Section 17 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (“Securitization Act” for short) to the Debt Recovery Tribunal(“DRT” for short). Writ petition is allowed to be withdrawn as prayed.

2. The petitioner may, if he so desires, file an application in the DRT.

3. We make it clear that we have not considered the merits of the case and the rival contentions raised by the parties. We leave all contentions open.

4. We further make it clear that on the aspect of limitation, we have expressed no opinion and that aspect may also to be considered by the DRT on merits and in accordance with law.

5. This petition has been pending in this court for sometime. Interim order passed by this court on 30th November 2006 is in operation till date. We continue that for a period of six weeks only. We make it clear that the interim protection is not continued after considering the merits of the case and further interim order obviously must be taken from the DRT. DRT shall consider the prayer for interim relief, if made in accordance with law.

6. Petition is disposed of in the aforestated terms.

(SMT.RANJANA DESAI, J.)

(SMT.ROSHAN DALVI, J.)